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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

FERGUSON, MICHAEL P

ART UNIT PAPER NUMBER

3679

DATE MAILED: 03/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/620,550	TER BRAAK, BART	
	<b>Examiner</b>	<b>Art Unit</b>	
	Michael P. Ferguson	3679	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 11 January 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 3-17 and 20-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 3-17 and 20-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Objections***

1. Claim 15 is objected to because of the following informalities:

Claim 15 (line 2) recites "the environment". It should recite --the mounting surface--.

For the purpose of examining the application, it is assumed that appropriate correction has been made.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 3-14, 17 and 20-23 are rejected under 35 U.S.C. 102(b) as being anticipated by Voss (US 5,518,056).

As to claim 17, Voss discloses a curtain rail system, comprising:

a curtain rail (window covering rail; not shown);

a safety connection coupled to the curtain rail, the safety connection comprising a first **14** and a second **12** retaining element, wherein after mounting, one of the retaining elements is coupled to an object **22** to be suspended and the other of the retaining elements is connected to a mounting surface (not shown), the first and second retaining elements being detachably connected to each other such that, under the influence of a tensile force applied to the retaining elements, the retaining elements

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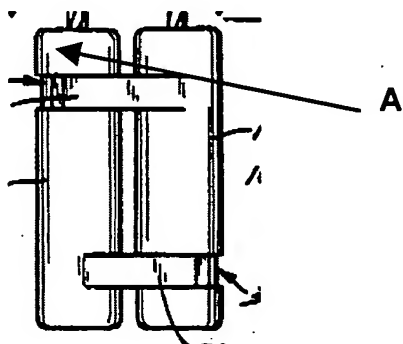
disconnect, wherein the second retaining element integrally forms a resilient lip **30**, and wherein the first and second retaining elements are configured to cooperate via the integrally formed resilient lip to effect the detachable coupling of the retaining elements (Figures 1 and 8).

As to claims 3 and 4, Voss discloses a system wherein the resilient lip **30**, after mounting, extends, on average, in a direction including an angle with a vertical plane in the range of approximately 15- 30 degrees (Figure 2).

Applicant is reminded that orientation of an object is based upon the angle at which it is viewed.

As to claim 5, Voss discloses a system wherein the resilient lip **30** is manufactured from plastic (Figure 3).

As to claim 6, Voss discloses a system wherein a front end of the resilient lip **30** of the second retaining element **12** touches a slide-off surface **34,A** (Figure 5 reprinted below with annotations) of the first retaining element **14** (Figure 8).



As to claim 7, Voss discloses a system wherein the front lip end **30** comprises a sliding surface which is substantially parallel to part of the slide-off surface **34,A** of the first retaining element **14** (Figure 8).

As to claims 8 and 9, Voss discloses a system wherein the slide-off surface **A** of the first retaining element after mounting, viewed in a vertical cross section, includes an angle with a vertical plane in the range of 60-70 degrees (Figure 5).

As to claim 10, Voss discloses a system wherein the first retaining element **14**, after mounting, extends partly through a substantially vertical passage of the second retaining element **12** (Figure 1).

As to claim 11, Voss discloses a system wherein the first retaining element **14** is provided with a widened head **A** located, after mounting, above the passage, which head touches the front end of the resilient lip **30** of the second retaining element **12** (Figure 1).

As to claim 12, Voss discloses a system wherein the widened head **A** of the first retaining element **14** is provided with the slide-off surface **34,A** (Figure 8).

As to claim 13, Voss discloses a system wherein the second retaining element **12** comprises a plurality of resilient lips **30** extending obliquely towards each other for forming a constriction of the passage of the second retaining element (Figure 8).

As to claim 14, Voss discloses a system wherein the first **14** and second **12** retaining elements are each of rotation-symmetrical design relative to an axis of symmetry, which is vertical, after mounting (Figure 1).

As to claim 20, Voss discloses a system wherein the integrally formed resilient lip **30** comprises a radially outward extending resilient lip (Figure 8).

As to claim 21, Voss discloses a system wherein the second retaining element **12** comprises a monolithic element defining the resilient lip **30** (Figure 8).

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As to claim 22, Voss discloses a system wherein the second retaining element **12** comprises a monolithic element defining the resilient lip **30** (Figure 8).

As to claim 23, Voss discloses a system wherein the resilient lip **30** extends longitudinally beyond the first retaining element **14** and radially outward (Figure 1).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Voss.

As to claims 15 and 16, Voss discloses a system wherein the retaining element **30** connected to the mounting surface (not shown) is mounted in a tube (window cover rail; via cord **22**; not shown).

Voss fails to disclose a system wherein the tube (window cover rail; not shown) has an inside diameter in the range of 10- 15 mm.

The applicant is reminded that a change in the size of a prior art device is a design consideration within the skill of the art. In re Rose, 220 F.2d 459, 105 USPQ 237 (CCPA 1955). Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify a system as disclosed by Voss wherein the tube has an inside diameter in the range of 10-15 mm as such practice is a design consideration within the skill of the art.

***Response to Arguments***

6. Applicant's arguments with respect to claims 3-17 and 20 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. The newly added limitations of "wherein the second retaining element integrally forms a resilient lip" in claim 1 (line 8) necessitated the new grounds of rejection. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

The prior art made of record and not relied upon is considered pertinent to the applicant's disclosure. The following patent shows the state of the art with respect to curtain rail safety systems:

Huang (US 5,542,461) is cited for pertaining to systems comprising a curtain rail and a safety connection comprising first and second retaining elements.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael P. Ferguson whose telephone number is (571)272-7081. The examiner can normally be reached on M-F (8:00-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (571)272-7087. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
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03/14/06



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